BOMBAY ACT No. LXIII OF 1949.[1]

[THE PANCH MAHALS MEHWASSI TENURE ABOLITION ACT, 1949.]

[*24th January 1950*]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 42 of 1953.
" " " 58 of 1954.

An Act to abolish Mehwassi tenure in the Kalol Taluka in the district of Panch Mahals.

WHEREAS it is expedient to abolish the Mehwassi tenure prevailing in certain villages in the Kalol Taluka in the district of Panch Mahals in the Province of Bombay and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Panch Mahals Mehwassi Tenure Abolition Act, 1949.

(*2*) It extends to the district of Panch Mahals in the [2][State] of Bombay.

(*3*) It shall come into force on such date as the [3][State] Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

[4][(*a1*) 'District of Panch Mahals' and 'Kalol Taluka' means respectively the district of Panch Mahals and Kalol Taluka as constituted immediately before the 1st day of August 1949.]

(*1*) "Mehwassi village" means a village specified in the Schedule appended to this Act ;

(*2*) "Mehwasdar" means a holder of a Mehwassi village ; and

(*3*) "Mehwassi lease" means a lease or agreement under which a Mehwassi village is held from the [3][State] Government.

Abolition of Mehwasi tenure.

3. With effect from and on the date on which this Act comes into force,—

(*a*) the Mehwassi tenure in the villages specified in the Schedule shall be deemed to have been abolished ;

(*b*) the agreements or leases, subject to the terms and conditions of which the said villages have been held, shall be deemed to have been cancelled ; and

(*c*) all the incidents of the said tenure attaching to any land in the said villages shall be deemed to have been extinguished.

Mehwasdar and registered occupant to be occupant.

4. (*1*) (*a*) Every Mehwasdar in respect of the land in his possession in a Mehwassi village under a Mehwassi lease, and

(*b*) every registered occupant in respect of the land in his possession in a Mehwassi village,

immediately before the date on which this Act comes into force shall, notwithstanding the fact that the period specified in the Mehwassi lease for the continuance thereof has not expired, be deemed to be an occupant within the meaning of the Bombay Land Revenue Code, 1879, in respect of such land in his possession and shall be primarily liable to the [3][State] Government for the payment of land revenue due in respect of such land and shall be entitled to all rights and shall be liable to all the obligations in respect of such land as an occupant under the said Code or any other law for the time being in force.

Bom. V of 1879.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, pp. 267-68.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word "Provincial", *ibid.*
[4] Clause (*a1*) was inserted by Bom. 58 of 1954, s. 2, schedule. This clause shall be deemed always to have been inserted.

[1]* * * *

Waste lands and other property specified in section 37 of Bombay Land Revenue Code vests in [2][Government.]

5. For the removal of doubt, it is hereby declared that all waste lands whether assessed or unassessed in a Mehwassi village and all other kinds of property referred to in section 37 of the Bombay Land Revenue Code, 1879, situate in a Mehwassi village, which are not the property of the individuals, or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of the [2][Government] and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the said Code, as the case may be. Bom. V of 1879.

Compensation payable to Mehwasdar or any person for extinguishment or modification of any rights.

6. (*1*) If a Mehwasdar or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying his rights under a Mehwassi lease or in land and if such Mehwasdar or other person proves that such extinguishment or modification amounts to the transference to public ownership of any land or any right in or over such land, such person may apply to the Collector for compensation.

(*2*) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(*3*) The Collector shall after holding a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, award such compensation as he deems reasonable and adequate : Bom. V of 1879.

Provided that the amount of compensation for the cancellation of a Mehwassi lease shall not exceed the maximum of the average of the amount of the total or partial exemption of land revenue and profits from unassessed waste land to which the Mehwasdar was entitled under the Mehwassi lease in respect of his village during three years immediately before the date on which this Act comes into force :

Provided further that in the case of the extinguishment or modification of any right of a Mehwasdar or any other person the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*4*) Subject to the provisions of sub-section (*5*), the award of the Collector shall be final.

(*5*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*6*) In deciding appeals under sub-section (*5*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

Limitation.

7. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply at the filing of such appeal. IX of 1908.

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[1] Sub-section (2) was deleted by Bom. 42 of 1953, s. 20, Sch. I.

[2] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.